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TO: Senate Co-Chair Eric Coleman
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Honorable Members of the Judiciary Committee

FROM: Paul J. Knierim
Probate Court Administrator

RE: RB 219, An Act Concerning Probate Court Operations

DATE: March 2, 2016

Thank you for the opportunity to present testimony in support of Raised Bill 219, An Act Concerning Probate Court Operations, which the Connecticut Probate Assembly and the Office of the Probate Court Administrator jointly support. This memorandum summarizes the bill by sections.

Section 1 deals with issues of jurisdiction as between probate districts within the state. The purpose of the proposal is to streamline the process for a person who mistakenly brings a petition in the wrong Probate Court by providing a mechanism to transfer the case to the proper court.

The jurisdiction of Connecticut Probate Courts is defined by statute. Each of the statutes that establishes subject matter jurisdiction for a particular case type also specifies which of the 54 probate districts has geographic jurisdiction to hear the case. If a petitioner files a case in a district that does not have jurisdiction, the court must dismiss the case and the petitioner must file the petition as a new matter in the proper court. As a result, the petitioner will incur additional filing fees and the case may be delayed as the second court provides notice of the case and schedules a hearing.

The bill would rectify this situation by authorizing the first court to make a finding about which court has jurisdiction and transfer the file to that court. If more than

one court would have jurisdiction, the first court would transfer the file to the court that is most convenient for the parties. No additional filing fee is charged and the case proceeds according to the statutory timelines as if it were originally filed with the transferee court.

Section 2 amends C.G.S. section 45a-288 to eliminate the obsolete requirement of giving notice of a petition for ancillary administration of a decedent's estate to the Department of Revenue Services. The provision is unnecessary because DRS receives the information directly from taxable estates in the form of an estate tax return and domicile declaration.

Section 3 amends C.G.S. section 45a-656b, which establishes procedures for changing the residence of a person under conservatorship. Except in limited exceptional circumstances, a conservator must obtain prior court approval before changing a person's residence. The court may waive the requirement of a hearing, however, if the conserved person's attorney files a document representing that the attorney has consulted with the conserved person and that the conserved person does not wish to have a hearing.

The amendment would provide a parallel framework to avoid a full hearing on change of residence for a person under voluntary conservatorship who does not have an attorney. Under the proposed language, the court may conduct a short hearing for the sole purpose of determining whether a person's written waiver of hearing in fact represents his or her wishes.

Section 4 adds the following types of cases to the statute governing filing fees:

- Approve placement of child for adoption outside the state
- Review, modify or enforce a cooperative postadoption agreement
- Review an order concerning contact between an adopted child and biological siblings
- Review termination of DCF voluntary services
- Determine whether a conserved person is capable of giving informed consent for voluntary admission to a psychiatric facility
- Authorize DSS to enter the premises of a person to determine if the person needs protective services
- Determine competency to vote for a person under conservatorship or guardianship
- Excuse a periodic or final account of a conservator
- Excuse the final account of a trustee

These matters were inadvertently not included in Public Act 15-5 (June Special Session), which increased the filing fee for most matters to \$225 and established an itemized list of matters that generate filing fees.

Section 5 amends C.G.S. section 45a-612 to make it clear that Probate Courts have authority to order visitation for any relative of a minor in connection with a proceeding to appoint a guardian, remove a guardian or terminate parental rights.

Sections 6 and 7 provide greater flexibility for families by permitting the filing of a petition to remove a guardian or terminate parental rights in the Probate Court where the child who is the subject of the proceeding is domiciled or is currently located, in addition to the existing bases for jurisdiction. The change also resolves a conflict between the geographic jurisdiction provisions of the removal and termination statutes and the Uniform Child Custody Jurisdiction and Enforcement Act to ensure that a Connecticut court can hear a case for a child who has been removed from this state within the preceding six months.

Section 8 expands the categories of entity that are eligible to serve as conservator to include limited liability companies and partnerships. The statute currently refers only to corporations.

On behalf of the Probate Court system, I respectfully request that the committee act favorably on the bill. Thank you for your consideration.